

JAP:MTK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

DAQUAN BALLINGER,

Defendant.

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16 M 0036

AFFIDAVIT AND COMPLAINT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANT
(18 U.S.C. § 922(g)(1))

EASTERN DISTRICT OF NEW YORK, SS:

DAVID M. JOEL, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD") Gun Enhancement Unit, duly appointed according to law and acting as such.

Upon information and belief, on or about December 10, 2015, within the Eastern District of New York, the defendant, having been convicted in a court of one or more crimes punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess in and affecting commerce ammunition, to wit, .40 caliber "Federal" ammunition.

(Title 18, United States Code, Section 922(g)(1))

The source of your deponent's information and the grounds for his belief are as follows¹:

¹ Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, I have not set forth every fact learned during the course of this investigation.

1. My information in this case comes from a review of records of the New York City Police Department (“NYPD”) and other Government agencies, and conversations with NYPD officers.

2. On or about December 10, 2015, at approximately 9:30 a.m., NYPD officers (“the officers”) of the 73rd Precinct and PSA 2 responded to a report of an individual shot in the vicinity of 362 Sutter Avenue, Brooklyn, New York. While canvassing the scene, the officers located approximately 11 shell casings in front of 366 Sutter Avenue which appeared to be connected to a previous shooting in that area that occurred earlier that day at approximately 8:09 a.m. Specifically, at or about that time, an individual called 911 to report shots fired in that area with no injuries reported. An investigation into the shooting at 362 Sutter Avenue further revealed that an NYPD “ShotSpotter”² system had detected shots fired in the vicinity of 366 Sutter Avenue at approximately 8:09 a.m.

3. On January 8, 2016, the defendant DAQUAN BALLINGER was arrested for the shooting at 362 Sutter Avenue. After providing the defendant with his Miranda rights, the defendant admitted, in substance and in part, to shooting 12 rounds in front of 366 Sutter Avenue at approximately 8:00 a.m. on December 10, 2015.

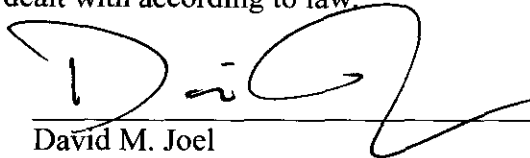
4. Video surveillance from a neighborhood store also confirms the defendant’s presence in the 366 Sutter Avenue around the time of the 8:09 shooting.

5. I have conferred with agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives and they have confirmed that the ammunition shell casings recovered from the vicinity of 366 Sutter Avenue were manufactured outside the State of New York.

² NYPD “ShotSpotter” is a system that uses strategically located sensors to triangulate the location of a firearm discharge. The system sends the location information to the NYPD.


6. I have reviewed the defendant's criminal history records and have determined that the defendant has been convicted of the following crimes: (1) Felon in Possession of a Firearm in violation of 18 U.S.C. §922(g)(1)³ and (2) Robbery in the Third Degree in violation of New York Penal Law § 160.5, which are crimes punishable by a term of imprisonment of more than one year.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant so that he may be dealt with according to law.



David M. Joel
Detective
New York City Police Department

Sworn to before me this
13th day of January, 2016


THE HONORABLE CHERYL L. POLLAK
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

³ The defendant is currently under Supervised Release in this District for the Felon in Possession of a Firearm conviction. See United States v. Ballinger, 11-CR-541 (JBW)